

Page 1	Page 2
[1] IN THE UNITED STATES DISTRICT COURT [2] IN AND FOR THE DISTRICT OF DELAWARE	
[3] WILLIE DAVIS, JR.,) NATHANIEL BRIDDELL,) GEORGE W. PEDDIMAN,) JOSEPH GARRISON,) [5] Plaintiffs,) -vs-) C.A. No. 04-0414	[1] I-N-D-E-X
[6] MOUNTAINE FARMS, INC.,) [7] MOUNTAINE FARMS OF) DELMARVA, INC., and) [8] MOUNTAINE FARMS OF) Defendants.) [9] - - - - -	[2] witness: JOSEPH GARRISON [3] examination by Mr. Brewer
[10] Deposition of JOSEPH GARRISON, taken before [11] Pamela C. Washington, Registered Professional Reporter [12] and Notary Public, at the law offices of Young, [13] Conaway, Staggatt & Taylor, 110 West Pine Street, [14] Georgetown, Delaware, on January 14, 2005, beginning [15] at 10:00 a.m.	[4] Exhibits Marked Garrison Exhibit 1 .. Garrison Exhibit 2 .. Garrison Exhibit 3 .. Garrison Exhibit 4 .. Garrison Exhibit 5 .. Garrison Exhibit 6 .. Garrison Exhibit 7 .. Garrison Exhibit 8 .. Garrison Exhibit 9 .. Garrison Exhibit 10 .. Garrison Exhibit 11 .. Garrison Exhibit 12 .. Garrison Exhibit 13 .. Garrison Exhibit 14 .. Garrison Exhibit 15 .. Garrison Exhibit 16 .. Garrison Exhibit 17 ..
[16] - - - - -	[5] CERTIFICATE OF COURT REPORTER .. 2
[17] APPEARANCES:	[6]
[18] On behalf of the Plaintiffs: Margolin Edelstein BY: JEFFREY K. MARTIN, ESQ. and KERI L. WILLIAMS, ESQ. 1509 Gilpin Avenue Wilmington, Delaware 19806	[7]
[19] On behalf of the Defendants: Shaw Rosenthal BY: ARTHUR M. BREWER, ESQ. and LAURA A. PIERSON SCHEINBERG, ESQ. 20 South Charles Street 11th Floor Baltimore, Maryland 21201	[8]
[20]	[9]
[21]	[10]
[22]	[11]
[23]	[12]
[24]	[13]
[25]	[14]
[26]	[15]
[27]	[16]
[28]	[17]
[29]	[18]
[30]	[19]
[31]	[20]
[32]	[21]
[33]	[22]
[34]	[23]
[35]	[24]
[36]	[25]

Page 3	Page 4
[1] WHEREUPON:	
[2] JOSEPH GARRISON,	
[3] having first been duly sworn by the court reporter,	
[4] thereupon testified upon his oath as follows:	
[5] MR. BREWER: You have noted the	
[6] appearances for the record, Madame Reporter?	[1] A No, no, no.
[7] THE COURT REPORTER: Yes.	[2] Q Have you ever done this before?
[8] MR. BREWER: We have the standard	[3] A No, no.
[9] stipulation with respect to --	[4] Q Okay, thank you. You understand that
[10] MR. MARTIN: In Delaware, we don't have	[5] you are under oath today, and that you have an
[11] any standard stipulations, but I'll be glad to	[6] obligation to tell the truth?
[12] stipulate --	[7] A Yes.
[13] MR. BREWER: As to the form of the	[8] Q All right. This is obviously informal,
[14] question, would be the objections.	[9] but it has the same significance and force as if you
[15] MR. MARTIN: Yes.	[10] were with a judge in a courtroom, do you understand
[16] MR. BREWER: Okay, that's fine.	[11] that, sir?
[17] BY MR. BREWER:	[12] A Yes.
[18] Q All right. Mr. Garrison, have you ever	[13] Q Okay. I'll be asking you a series of
[19] been deposed before?	[14] questions; the court reporter, as you can see, will be
[20] A Yes.	[15] taking down your answers. At trial, if it comes to
[21] Q You have? Can you tell me when?	[16] trial, I will have an opportunity to bring to the
[22] A No, not proposed, no, I haven't,	[17] attention of the judge or jury any changes or
[23] not ...	[18] conflicts in your testimony here today and any future
[24] Q Deposed like having a deposition like	[19] proceedings, do you understand that?
[25] we're doing today.	[20] A Yes.
	[21] Q Okay. I would basically do this
	[22] and that is not to answer any q
	[23] you do not understand. If you
	[24] question, please ask me to rep
	[25] it, okay?

EXHIBIT

D

Page 53

- [1] believe, that was your responsibility to perform?
- [2] A Yes.
- [3] Q And then you're supposed to check with
- [4] the driver to make sure his load is secure?
- [5] A Yes.
- [6] Q Okay. The document goes on to talk
- [7] about catching methods, talks about night catching,
- [8] day catching --
- [9] A Yes.
- [10] Q -- and so forth, tunnel ventilation and
- [11] all of those things --
- [12] A Yes.
- [13] Q -- these are all responsibilities the
- [14] crew leader has --
- [15] A Yes.
- [16] Q -- to make sure these things are done?
- [17] A Yes.
- [18] Q Okay, all right. Now, let me ask you a
- [19] couple of questions, Mr. Garrison. If I repeat
- [20] myself, please forgive me. You mentioned before I
- [21] think that you maintain a crew of seven catchers?
- [22] A Yes.
- [23] Q There's also a forklift driver
- [24] associated with the crew, isn't there?
- [25] A I don't pick him up.

Page 54

- [1] Q No, no, I'm not asking you that, but
- [2] he's part of the crew?
- [3] A Yes, he is. Yes, he is.
- [4] Q And the forklift driver gets to the
- [5] farm by himself?
- [6] A Yes.
- [7] Q So we have then seven catchers and a
- [8] forklift operator is on a normal catching crew?
- [9] A Yes.
- [10] Q Okay. How is it determined who is on
- [11] your crew?
- [12] A I picks them up and I writes the names
- [13] down on my time sheet.
- [14] Q All right. So in other words, you know
- [15] the people who are on your crew?
- [16] A Yes.
- [17] Q Okay. Are employees ever assigned to
- [18] your crew that are not normally on your crew?
- [19] A Repeat that question again.
- [20] Q Sure. You have a regular crew
- [21] generally?
- [22] A Yes.
- [23] Q Does there come a time when somebody
- [24] who's not on your crew gets assigned to your crew?
- [25] A What do you mean assigned? Just using

Page 55

- [1] that person that day, is that what you mean?
- [2] Q Someone who's not normally a member of
- [3] your crew, have you ever worked with people who are
- [4] not normally members of your crew?
- [5] A Yes.
- [6] Q And how does that happen?
- [7] A If I need somebody, if I'm
- [8] short-handed, I can get up with the dispatcher and I
- [9] would let him know that I need a man. Or if not, I
- [10] can get up with my supervisor and let him know that I
- [11] need a man. And what they would do, they would send
- [12] somebody out there with -- for me and help me catch
- [13] the chickens.
- [14] Q Okay. But sometimes you catch them
- [15] short?
- [16] A Sometime I do.
- [17] Q Okay. Now, let me ask you this: You
- [18] are responsible, we have Exhibit 2 there that you're
- [19] looking at, you're responsible for ensuring that the
- [20] catchers, drivers, and the forklift operators follow
- [21] the procedures that are outlined there?
- [22] A Yes.
- [23] Q Okay. And I think you have already
- [24] talked about how you interact with the growers if the
- [25] feeders aren't up, and so you're responsible for that?

Page 56

- [1] A Yes.
- [2] Q Okay. You're also responsible for
- [3] maintaining the full crew, aren't you?
- [4] A Yes, I am.
- [5] Q You also have responsibility for
- [6] maintaining a good relationship with the growers,
- [7] aren't you?
- [8] A Yes.
- [9] Q And you basically are telling the
- [10] catchers, we went through this, how to go about
- [11] setting up the house and catching them, and watching
- [12] for smothers and everything else, right?
- [13] A Yes.
- [14] Q Okay, that's fine. All right, now, who
- [15] hires the catchers?
- [16] A Doug Lynch.
- [17] Q Doug Lynch? Okay. Have you ever
- [18] recommended to Mr. Lynch that a catcher be hired?
- [19] A Yes.
- [20] Q And has the catcher been hired?
- [21] A Sometime. Sometime he not.
- [22] Q Can you give me the name of catchers
- [23] that you have recommended to Mr. Lynch who have not
- [24] been hired?
- [25] A Yes.

Page 57

- [1] Q Okay.
- [2] A I'm trying to think. I mean it's not
- [3] that many I know of right off. I know the only thing
- [4] I know maybe one of them, one of them like Woodell
- [5] Foreman, I recommend him one time, but it's -- he's
- [6] just been there before and he just didn't hire him
- [7] back, that's all.
- [8] Q Let me sort of zero in on this now a
- [9] little. The time that I'm referring to about
- [10] referring somebody, that's only since you have been a
- [11] crew leader, I'm not interested in when you were a
- [12] catcher, okay? So since you have been a crew leader,
- [13] you recommended Mr. Foreman?
- [14] A At one time I have, yes.
- [15] Q And he had worked at the company
- [16] previously?
- [17] A Before, yes.
- [18] Q And how did he come not to be employed
- [19] by the company, if you know?
- [20] A Repeat that.
- [21] Q Was he fired?
- [22] A I don't know.
- [23] Q But he worked before and Mr. Lynch said
- [24] no?
- [25] A Right, yes.

Page 58

- [1] Q How many people have you recommended to
- [2] Mr. Lynch be hired and he has hired them?
- [3] A Rough guess, maybe three.
- [4] Q Three? Okay. Three or four, something
- [5] like that?
- [6] A Yes.
- [7] MR. MARTIN: For the record, he said
- [8] three.
- [9] MR. BREWER: He said three, all right.
- [10] BY MR. BREWER:
- [11] Q Is it three, or could it be more?
- [12] A No, definitely couldn't be more.
- [13] Q How did you go about making that
- [14] recommendation to Mr. Lynch?
- [15] A I just asked him that I probably needed
- [16] another man, and I like you look to hire this guy.
- [17] Q Okay.
- [18] A And he asked me just bring him in, get
- [19] him signed up.
- [20] Q That's what he told you?
- [21] A Yeah.
- [22] Q So in the three cases that we have
- [23] talked about, you have needed a man, gone to Mr. Lynch
- [24] and said, "I need a man, and I have this fellow," and
- [25] you have given him a name, and he has said, "Okay,

Page 59

- [1] bring him in, sign him up"?
- [2] A Uh-huh. Yes.
- [3] Q We tried to get some information on
- [4] this before, but let me try this a little bit
- [5] differently, Mr. Garrison. If somebody in your crew
- [6] needs to have a day off, okay?
- [7] A Yes.
- [8] Q They need to have tomorrow or let's say
- [9] next Monday off?
- [10] A Yes.
- [11] Q And that would make you short a
- [12] catcher?
- [13] A Yes.
- [14] Q How do you go about getting that man's
- [15] position filled for the Monday, just for the one day?
- [16] A I would probably try get somebody off
- [17] another crew.
- [18] Q Okay. Describe what you would do to
- [19] make that happen.
- [20] A I would get up with the crew leader.
- [21] Q The other crew leader?
- [22] A Yes. And I would ask him could I use
- [23] somebody on his crew, if they were available. And he
- [24] would get back up with me and let me know whether they
- [25] are or not.

Page 60

- [1] Q All right.
- [2] A You know, sometime I be able to use
- [3] one, sometimes I can't.
- [4] Q Okay. And does it ever happen that a
- [5] crew leader, another crew leader comes to you and
- [6] says, "I need somebody; can you assign somebody to my
- [7] crew for Monday?"
- [8] A Yes.
- [9] Q All right. And you will make the
- [10] decision as to whether you can or can't?
- [11] A Yes.
- [12] Q Do you decide which person you're going
- [13] to assign to the other fellah's crew?
- [14] A Yes.
- [15] Q Okay. Do catchers sometimes work
- [16] double shifts?
- [17] A Yes.
- [18] Q Tell me how that happens.
- [19] A It would have to be on the right shift
- [20] for to be able to do it. What I'm saying is, okay --
- [21] Q Take your time.
- [22] A If a catcher on night shift, he would
- [23] be able to work with somebody on the 1:00 o'clock
- [24] shift the next day he be off, that's the only way you
- [25] can do it.

Page 105

[1] expect to be paid, I don't show up and you don't
[2] approve it, does anything happen to me?
[3] A Repeat one more time.
[4] Q Sure. If I ask you for Monday off,
[5] today being Friday, and I tell you, "Mr. Garrison,"
[6] I'm a member of your crew, "I would like to be off on
[7] Monday."
[8] A Yes.
[9] Q "I don't expect to be paid, I don't
[10] want to be paid, but I just need the day off."
[11] A Right.
[12] Q And you tell me no, okay? You tell me
[13] no, I can't do that --
[14] A Right.
[15] Q -- okay? And I don't show up to work
[16] on Monday, does anything happen to me?
[17] A Yeah, he's supposed to be written up.
[18] Q Okay, who writes them up?
[19] A I do.
[20] Q Tell me what happens, to the best of
[21] your knowledge, based on your experience, what happens
[22] if a catcher is injured while working on a farm
[23] catching chickens, hurts himself?
[24] A Well, we sends him in with a truck
[25] immediately.

Page 106

[1] Q I'm sorry, which men do you send?
[2] A If one of the catcher hurt theirselves --
[3] Q Yes.
[4] A -- his hand, something like that, we
[5] would send them to the nurse.
[6] Q Who will send him to the nurse?
[7] A I would.
[8] Q How do you do that?
[9] A I let him go in with the truck driver.
[10] Q Okay.
[11] A Most of the times.
[12] Q Go back to the plant?
[13] A Yes.
[14] Q Suppose it's a serious injury?
[15] A Well, if it real serious, either I
[16] would have to take him or call the ambulance.
[17] Q Call 911?
[18] A Yes.
[19] Q Somebody, God forbid, had a heart
[20] attack?
[21] A Yes.
[22] Q You wouldn't just wait for a truck,
[23] you'd take care of it yourself?
[24] A Yes.
[25] Q Okay. That's your decisions to make?

Page 107

[1] A Yes.
[2] Q I think we have covered this, but if
[3] there is damage to the farm caused by your crew --
[4] A Yes.
[5] Q -- that is information that you fill
[6] out on the farm report --
[7] A Yes.
[8] Q -- which is Exhibit I to your
[9] deposition?
[10] A Yes.
[11] Q That's where you make that notation?
[12] A Yes.
[13] Q And it is your responsibility to fill
[14] that out?
[15] A Yes.
[16] Q Now, we covered this a little bit
[17] before but I just want to make sure I completely
[18] understand it. I think I had asked you if a crew
[19] leader, another crew leader such as yourself, were
[20] short a man --
[21] A Yes.
[22] Q -- and he needed an extra man --
[23] A Yes.
[24] Q -- he could come to you and ask you
[25] could you spare a man from your crew?

Page 108

[1] A Yes.
[2] Q Okay. And if you could spare a man
[3] from your crew, you would?
[4] A Yes.
[5] Q And you would tell the man, whoever it
[6] is, "Don't come to work for me tomorrow, go to work
[7] for this other crew leader"?
[8] A Yes.
[9] Q All right. And the same would happen
[10] with the other crew leaders: If you were short, you
[11] could go to them and ask them if they had an extra
[12] catcher?
[13] A Yes.
[14] Q And if they did, they would assign that
[15] catcher to your crew?
[16] A Yes.
[17] Q Okay. Let me ask you this, sir: Have
[18] you ever recommended to anybody at the company that
[19] one of the people who's a catcher for you be given a
[20] forklift job?
[21] A No.
[22] Q You have never done that?
[23] A No.
[24] Q So the forklift people that you have
[25] worked with since you were a crew chief since 1999, I